

# SENATE BILL No. 330

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-11; IC 34-28-5-5.

**Synopsis:** Child bicycle safety. Requires a person who is less than 18 years of age to wear a properly fitted protective bicycle helmet when the person operates or is a passenger on a bicycle on a street, highway, or public bicycle path. Provides that a passenger on a bicycle must be either on a saddle seat or in a restraining seat. Prohibits the rental, lease, or sale of a bicycle to or for the use of a person who is less than 18 years of age unless the person shows possession of a properly fitted protective helmet or acquires a properly fitted bicycle helmet at the time of the rental, lease, or sale. Provides that a violation is a Class C infraction, the penalty for which is waived if the person acquires a protective helmet or restraining seat when ordered to do so by a court.

**Effective:** July 1, 1999.

Simpson

January 8, 1999, read first time and referred to Committee on Public Policy.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 330

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-14.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 14.3. "Bicycle passenger", for purposes of IC 9-21-11,**  
4 **means an individual who:**

- 5 (1) **rides on a bicycle; and**  
6 (2) **is not the operator of the bicycle.**

7 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 1999]: **Sec. 14.5. "Bicycle path" means a right-of-way under the**  
10 **jurisdiction and control of the state or a political subdivision that**  
11 **is used primarily by individuals on bicycles and pedestrians.**

12 SECTION 3. IC 9-13-2-118 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 118. (a) "Operator"  
14 means, except as provided in ~~subsection~~ **subsections (b) and (c)**, when  
15 used in reference to a motor vehicle, a person, other than a chauffeur  
16 or a public passenger chauffeur, who:

- 17 (1) drives or is in actual physical control of a motor vehicle upon

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a highway; or

(2) is exercising control over or steering a motor vehicle being towed by a motor vehicle.

(b) **"Operator", for purposes of IC 9-21-11, means an individual who rides a bicycle while seated on a saddle seat from which the person is intended to and may pedal the bicycle.**

(c) "Operator", for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle upon a highway of Indiana.

SECTION 4. IC 9-13-2-139.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 139.5. "Protective bicycle helmet" means a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute or the Snell Memorial Foundation.**

SECTION 5. IC 9-13-2-153.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 153.5. "Restraining seat" means a seat that is:**

- (1) separate from the saddle seat of the operator of a bicycle;
- (2) fastened securely to the frame of the bicycle; and
- (3) adequately equipped to:
  - (A) restrain a bicycle passenger in the seat; and
  - (B) protect the bicycle passenger from the moving parts of the bicycle.

SECTION 6. IC 9-21-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A bicycle may not be used to carry more persons at one (1) time than the number for which the bicycle is designed and equipped.

(b) **An individual who is a bicycle passenger on a street, highway, or bicycle path must meet the following conditions:**

- (1) **The individual is able to maintain an erect, seated position on the bicycle.**
- (2) **The individual is either:**
  - (A) properly seated alone on a saddle seat; or
  - (B) if the individual weighs less than forty (40) pounds or is less than forty (40) inches in height, the individual is properly seated in and adequately secured to a restraining seat.

SECTION 7. IC 9-21-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) **Except as**



provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) This subsection and subsection (c) apply to a violation of section 15 or 16 of this chapter. If at a proceeding to enforce section 4(b)(2)(B) or 15 of this chapter the court finds that a person:

(1) has violated either section 4(b)(2)(B) or 15 of this chapter; and

(2) does not possess or has not acquired:

(A) a restraining seat, in violation of section 4(b)(2)(B) of this chapter; or

(B) a protective bicycle helmet, in violation of section 15 of this chapter;

the court shall enter judgment against the person and shall order the person to provide proof of possession or acquisition within thirty (30) days of a restraining seat, if the person has violated section 4(b)(2)(B) of this chapter, or a protective bicycle helmet, if the person has violated section 15 of this chapter.

(c) Notwithstanding IC 34-28-5-4 and IC 34-28-5-5, if the person:

(1) complies with a court order under subsection (b); and

(2) does not have a previous judgment of violation of section 4(b)(2)(B) or 15 of this chapter;

the person is not liable for any costs or a monetary judgment.

SECTION 8. IC 9-21-11-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. A person less than eighteen (18) years of age who operates a bicycle or is a bicycle passenger on a street, highway, or bicycle path shall wear a protective bicycle helmet at all times while the bicycle is in motion. A protective bicycle helmet worn under this section must:

(1) properly fit the person who wears the helmet; and

(2) be securely fastened with the helmet's straps.

SECTION 9. IC 9-21-11-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. A person may not rent or lease a bicycle to or for the use of a person who is less than eighteen (18) years of age unless:

(1) the person who is to ride the bicycle shows possession of a properly fitted protective helmet; or

(2) the rental or lease of the bicycle includes the provision of a properly fitted protective helmet for a person who is to ride



the bicycle.

SECTION 10. IC 9-21-11-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 17. A person may not sell a bicycle to or for the use of a person who is less than eighteen (18) years of age unless the person who is purchasing the bicycle:**

- (1) presents satisfactory proof of ownership of a properly fitted protective helmet for the operator of the bicycle; or
- (2) purchases a properly fitted bicycle helmet for the operator of the bicycle at the time the bicycle is purchased.

SECTION 11. IC 34-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a)** A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under **IC 9-21-11-14** or IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
  - (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.
- (b) If a judgment is entered:
- (1) for a violation constituting:
    - (A) a Class D infraction; or
    - (B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or
  - (2) in favor of the defendant in any case;
- the defendant is not liable for costs.

(c) Except for costs, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

- (1) violated:
  - (A) a statute defining an infraction; or
  - (B) an ordinance; or
- (2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

